THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO.991 OF 2007

Dated 24th December, 2007

Between:

S.K.Basheed …Appellant

And

The Government of Andhra Pradesh
Rep. by its Principal Secretary
And six others …Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO.991 OF 2007

J U D G M E N T (Per Hon'ble Sri Bilal Nazki, the Acting Chief Justice):

This writ appeal is filed aggrieved by the order dated 24-07-2007 passed by the learned Single Judge in W.P. No.3218 of 2006, whereby the learned Single Judge dismissed the writ petition.

The writ petition is filed seeking a declaration that the opening of rowdy sheet against the writ petitioner was illegal. The writ petitioner also sought setting aside of the rowdy sheet opened against him. The writ petition has been dismissed by the learned Single Judge.

During the course of hearing of this writ appeal, learned counsel for the writ petitioner/appellant submitted that even if opening of a rowdy sheet is upheld even then, the police does not get any power to call the person named in the rowdy sheet to the police station as and when the police wants. The learned counsel further submitted that on each occasion of festival and on every important date, the writ petitioner is being called to the police station, kept in confinement for long hours without any reason and then left after the event is over. Therefore, we had called the learned Government Pleader for Home to tell us about the powers, which the police have to call the people to the police station as a precautionary measure. It was conceded that to avoid the commission of any offence on festivals and on other

important occasions, the rowdy sheeters are being called to the police stations as part of surveillance, but there was no law authorizing as a course and realizing this, the Police Commissioner has issued a Circular Memo No.L&O/N2/3063/2007 dated 13-12-2007 and filed an affidavit in this Court. This Circular has referred to the writ petition disposed of by this Court being W.P.No.24444 of 1998, in which the power of Government to open rowdy sheets was upheld, but certain guidelines were given with regard to the opening and maintenance of history sheets including the rowdy sheets. Now the Commissioner of Police in the Circular Memo has impressed upon all the police stations to strictly follow the guidelines laid down by this Court and he has specifically directed that the surveillance should not be obstructive. The guidelines given by this Court have also been mentioned in the Circular Memo. Therefore, we feel that after this Circular Memo is issued, the police will not resort to summoning of the persons to police stations without any reason.

In this view of the matter, no further orders are needed to be passed in this writ appeal, which is accordingly disposed of.

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Bilal Nazki, ACJ

Dated 24th December, 2007

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Ramesh Ranganathan,J

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